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SUBJECT: ESTONIA'S POSITION ON AMENDED LACEY ACT: MORE INFORMATION REQUESTED

REFTEL: STATE 126654

This is an action request. Please see para 5.

¶1. On December 8, we delivered reftel points to Siim Tiidemann, the Head of the Foreign Relations Department of the Ministry of Agriculture (MOA), Andres Kruus, the Head of the Nature Protection Department of the Ministry of the Environment (MOA) and Jaan Salulaid, U.S. Desk Officer of the Ministry of Foreign Affairs (MFA). Salulaid provided us with a consolidated response from MOA, MOE and MFA.

¶3. The Government of Estonia (GOE) strongly believes that the fight against illegal logging is of great importance and agrees that the Amended Lacey Act (ALA) is an important tool for this purpose. However, the GOE is concerned that if the scope of the implementation regulations of the ALA is left very wide and the requirement of the new import declaration affects a great number of products, a new barrier to trade may be created.

¶4. Further, the GOE believes that the best results can be achieved by limiting the declaration requirement to timber and timber products that have an identified and real risk of stemming from illegal logging. The GOE finds it questionable whether musical instruments (Harmonized Tariff Schedule Chapter 92) pose enough of a risk to be scheduled in the second phase of implementation. Also, longer phase-in periods of at least nine months each would give governments time to better adapt affected procedures to the requirements to the requirements of the Act and thus provide for smoother implementation.

¶5. The GOE appreciates the information made available about the process of implementation regulations for the ALA and requests more information on the following issues:

-- How can existing mechanisms and instruments, such as various certificates, be used to prove the legality of the products?

-- What items are exempt from the declaration as packing materials?

-- How will duplication of the information already provided by importers during the customs clearance process be avoided?

-- How will equal treatment be guaranteed for non-U.S. companies?

¶6. The GOE hopes that the ALA is implemented in a way that enables the United States and the EU to fight against illegal logging without significant trade losses between the two. The GOE expressed its anticipation of good cooperation on all possible questions that may rise from the implementation of the ALA.

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